



General Assembly

Substitute Bill No. 6936

January Session, 2001

***AN ACT ENSURING THAT PUBLIC MONEYS ALLOCATED FOR
HEALTH CARE AND HUMAN SERVICES ARE EXPENDED FOR SUCH
PURPOSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) For the purposes of this section, the term "covered
2 employer" includes: (1) A person providing residential or educational
3 services to children in the custody or under the guardianship of the
4 Department of Children and Families; (2) an organization establishing,
5 expanding or maintaining mental health services pursuant to section
6 17a-453a, 17a-468, 17a-476 or 17a-676 of the general statutes; (3) a
7 nonprofit organization offering services for drug-dependent or
8 alcohol-dependent persons pursuant to section 17a-676 of the general
9 statutes; (4) a psychiatric clinic or a child guidance clinic, as defined in
10 section 17a-20 of the general statutes; (5) a day treatment center, as
11 defined in section 17a-22 of the general statutes; (6) a person receiving
12 a grant for programs for the treatment and prevention of child abuse
13 and neglect or for juvenile criminal diversion pursuant to section 17a-
14 49 of the general statutes; (7) a community-based program for children
15 and adults with mental retardation pursuant to section 17a-217 of the
16 general statutes; (8) any program for persons with mental retardation
17 established pursuant to section 17a-218 of the general statutes; (9) a
18 program of employment opportunities and day services for adults
19 with mental retardation pursuant to section 17a-226 of the general
20 statutes; (10) a private residential facility licensed to provide care or

21 treatment for persons with mental retardation or autistic persons
22 pursuant to section 17a-227 of the general statutes; (11) a program for
23 which rates are paid by the state pursuant to sections 17b-241 to 17b-
24 245, inclusive, or section 17b-342 of the general statutes; (12) a recipient
25 of reimbursement under section 17b-340 of the general statutes; and
26 (13) any other recipient of state funds, including federal funds
27 allocated by the state for the provision of health care or human
28 services. The term does not include an acute care general hospital.

29 (b) No funds from the state shall be used by any covered employer
30 for any activity intended to assist, promote, deter or discourage union
31 organizing. If any covered employer engages in any activity to assist,
32 promote, deter or discourage union organizing by an employee who
33 provides services, directly or indirectly, to Medicaid recipients or
34 recipients of other state-funded services during a time for which the
35 employee is paid by the employer, there is established a presumption
36 that state funds paid for that percentage of the cost of such activity
37 equal to the percentage of a covered employer's total revenues paid by
38 the state for the fiscal year during which such activity occurred.

39 (c) Any person may file a complaint with the funding agency if such
40 person believes that a covered employer is expending funds in
41 violation of the provisions of subsection (b) of this section. Upon the
42 filing of such a complaint, the agency shall, within seven days, notify
43 the covered employer that it shall, within ten days, provide records
44 sufficient to show that no state funds were used in violation of the
45 provisions of said subsection (b). If a covered employer engages in
46 meetings with employees during work time to assist, promote, deter or
47 discourage union organizing, such records shall include all
48 information relative to each such meeting, including the date, time and
49 identity of the attendees.

50 (d) A civil action for a violation of the provisions of subsection (b) of
51 this section may be brought by the Attorney General for injunctive
52 relief, damages, civil penalties and other appropriate equitable relief.
53 All damages and civil penalties collected pursuant to this subsection

54 shall be deposited in the General Fund.

55 (e) A covered employer is liable to the state for the amount of any
56 funds expended in violation of the provisions of subsection (b) of this
57 section plus a civil penalty equal to twice the amount of such funds. If
58 a covered employer expended funds in violation of the provisions of
59 subsection (b) of this section by virtue of the presumption set forth in
60 said subsection, such employer shall be liable to the state only for that
61 percentage of the cost of the activities intended to assist, promote,
62 deter or discourage union organizing which represents the percentage
63 of the employer's total revenues paid by the state in the fiscal year
64 during which such activities occurred and shall not be subject to a civil
65 penalty.

66 (f) Any individual who knowingly authorizes the use of state funds
67 in violation of the provisions of subsection (b) of this section shall be
68 liable to the state for the amount of such funds. Any individual who
69 knowingly violates the provisions of subsection (b) of this section shall
70 be personally liable to the state in the amount of one thousand dollars
71 for each violation.

72 (g) For purposes of this section, any expense, including legal and
73 consulting fees and salaries of supervisors and employees, incurred for
74 research or preparation for, planning or coordination of, or carrying
75 out, an activity to assist, promote, deter or discourage union
76 organizing shall be treated as paid or incurred for such activity.

HS *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*